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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,097	04/01/2004	Jeffrey Jackson	Jackson.1002	9486

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EXAMINER

LE, TAN

ART UNIT	PAPER NUMBER
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3632

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/816,097

Applicant(s)

JACKSON, JEFFREY

Examiner

Tan Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-5, 9-15 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) 3-5, 10, 12 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9, 11, 13-15, 18-19, 20-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/28/07 has been entered.

An action on the RCE as follows.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 14 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 14 and 18 are rejected because of the following reasons:

First, the recitation of "when said apparatus holds said structure" (line 2) is confusing and unclear. The examiner assumes that Applicant is intended to recite either that "when said apparatus positions on said structure" or "when said apparatus

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holds said object". In either case, the structure (such as mantle) is not claimed and not defined.

Second, there is inconsistency between the language in the preamble and certain portions in the body of the claim, thereby making the scope of the claim unclear. Applicant is required to clarify what the claim is intended to be drawn to i.e, either the the apparatus alone (subcombination) (see the preamble of claims 9 and 21) or the apparatus in combination with the structure (mantle), (see "wherein the hook does not contact said structure" (claims 14 and 18)) and the language of the claim be consistent with the intent

It should be noted that the "structure" in this case is an intended use of the apparatus, not positively claimed while claims 9 and 21 are directed solely to the apparatus (subcombination) alone. The subcombination of the claims cannot rely on a feature of the combination of claims 14 and 18 (such as "wherein said hook does not contact said structure" (basically a negative limitation) to define over the art because the patentability of apparatus/product is based on the structure of the apparatus itself and not how the apparatus is intended to be used or how the hook does not contact the (mantle/structure) when said apparatus positions on structure or when said apparatus holds said object.

Because of the language of the claims are unclear and because of the intended use "structure" is not defined and claimed, and because of the subcombination of claims 9 and 21 they cannot rely on a feature of the combination of claim 14 and 18 of intended

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use to define over prior art. The examiner therefore cannot rely on these claims to make a rejection in view of prior art.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 9, 13, 20 and 21 are rejected under 35 U.S.C. 102b) as being anticipated by US Patent No. 2,743,023 to Larson.

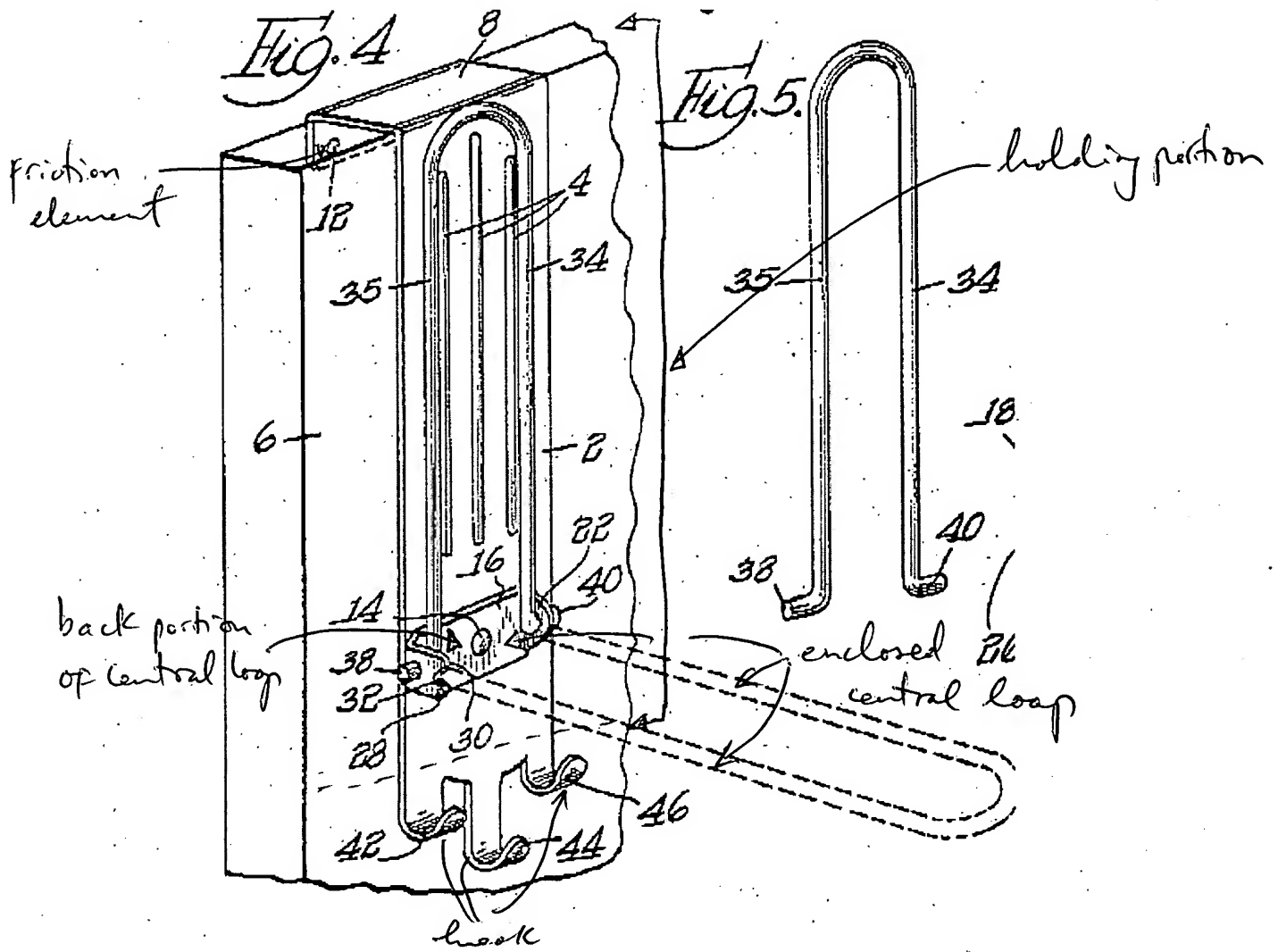
As to claim 9, Larson teaches a hanger apparatus (see attached Fig. 4 below) comprising a holding portion shaped so as to allow said apparatus to hold to said structure by an interior portion of said holding portion being capable of resting on said structure; a frictional element positioned on said holding portion to be in contact with said structure whereby said frictional element reduces mobility of said holding portion along said structure; and an enclosed central loop enclosed on top portion, a bottom portion, a front portion, and a back portion of said enclosed central loop, said back portion of said enclosed central loop being a portion of said holding portion, and said enclosed central loop being open on a left side portion and a right side portion of said enclosed central loop; a hook being an extension of said back portion of said enclosed central loop, said hook being capable of allowing said object to be set on said apparatus; wherein said enclosed central loop is capable of allowing a second object to be situated in said central loop after being placed within said left side portion or said right side portion.

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As to claim 13, wherein said holding portion has a shape that is capable of resting on a mantle. Note that the mantle shape is not defined and is not claimed. The shape of the holding portion is clearly capable of resting on the mantle such as portion (8) can be resting on the mantle.

As to claim 20, wherein said holding portion contains an elongated top portion (8) and an elongated side portion (2), said elongated side portion extending in a direction substantially perpendicular to said elongated top portion, a portion of said elongated side portion being said back portion of said enclosed central loop.

As to claim 21, claim 21 is substantially similar to claim 9, is therefore also read on Larson, which includes means for holding (8) to said structure; means for gripping (12) for enhancing the grip of said means for holding on said structure; and means for maintaining a second object in said apparatus (an enclosed loop) (see attached figure), said means for maintaining being enclosed on top portion, a bottom portion, a front portion and a back portion, said back portion of said means for maintaining being a portion of said means for holding, and said means for maintaining being open on a left side portion and a right side portion of said means for maintaining; and means for hanging (hook 44 for example) being capable of allowing a first object to hang from said apparatus, said means for hanging being an extension of said back portion of said means for maintaining a second object in said apparatus, wherein said means for maintaining is capable of allowing said second object to be situated in said means for maintaining after being placed within said left side portion or right side portion.



Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 11, 15 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Larson as discussed above in view of US Patent No. 6,835,452 to Hamerski.

As to claims 11 and 19, Larson teaches the conventional use of a projection 12 on the inner face of the flange member 10 of the door engages or presses into the wood of the door wall to prevent inadvertent removal (Co. 2, lines 67-69) to grip the hanger to the door but not the use of a double adhesive tape. Hamerski teaches the use of a double adhesive tape (54) to grip/fix the hanger to the wall to minimize the damages to the substrate surface (wall). Minimize the damages to the wall is a highly desirable feature in holding an object to the door wall, therefore It would has been obvious to a person of ordinary skill in the art at the time the invention was made to use double adhesive in place of the projection to better affix as well as to minimize the damage of the wall where the hanger to be hung.

As to claim 15, wherein said the frictional element of Hamerski further includes a thin, rubber pad (66) (see col. 4, lines 8-13).

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Larson.

As to claim 22, claim 22 basically recites all the features similar to those recite in claims 1 and 21 except that the top portion of said hook extending in a direction that is

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not perpendicular to said elongated top portion and not parallel to said side portion of said holding portion, in which Larson does not teach as such.

It would have been an obvious matter of design choice to a person of ordinary skill in the art to modify the hook of Larson to be extending in a direction that is not perpendicular to said elongated top portion and not parallel to said side portion of said holding portion (extending an angle with relative to the structure) because Applicant has not disclosed that that the hook extending in a direction that is not perpendicular to said elongated top portion and not parallel to said side portion of said holding portion provides an advantage or solves a stated problem. One skill in the art furthermore, would have expected Applicant's invention to perform equally well with the hook of that is extending in a direction that is perpendicular to said elongated top portion and parallel to said side portion of said holding portion as in Larson. Therefore it would have been an obvious matter of design choice to modify the hook of Larson to obtain the invention as specified in claim 22. Note that since Applicant has not provided any criticality on the object to be hanging on the hook, therefore the examiner has assumed that when modifying the hook of Larson, no such interfering between the objects to be hung between the closed loop and the hook.

Response to Arguments

Applicant's arguments with respect to claims 9, 13, 14, 18, 20 and 21 as being rejected under 102 (b) to Thompson and claims 11, 15 and 19 as being rejected under

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Thompson in view of Hamserski have been considered but are moot in view of the new grounds of rejection.

The new grounds of rejection were necessitated by applicant's amendment, e.g., "by an interior portion of said holding portion", claim 9, line 4; or "said means for hanging being an extension of said back portion of said means for maintaining a second object in said apparatus" (claim 21, lines 11-13); or "said top portion of said hook extending in a direction that is not perpendicular to said elongated top portion and not parallel to said side portion of said holding portion", newly added claim 22, (last lines).

Conclusion

THIS ACTION IS MADE NONFINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818.

The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DL

Tan Le
March 7, 2007.



Cari D. Friedman
Supervisory Patent Examiner
Group 3600